IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9500 of 1999

Dated: 18-04-2007

Between:

Pokala Mallamma, w/o Lingaiah.

... Petitioner

and

1. The Revenue Divisional Officer-cum-Land Acquisition Officer, Nalgonda, Nalgonda District and another.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that she is the owner of the land measuring an extent of Acs.4-02 guntas in Sy.No.132 of Kesarajupalli village, Thipparthy Mandal, Nalgonda District. She and her five sons have constructed four houses in the said land and have been living therein and they also dug a well in the said land by spending huge amounts. The first respondent – Land Acquisition Officer acquired the said land for the purpose of providing house sites to weaker sections and passed an award on

10-02-1998 awarding compensation to the acquired lands. She further states that she presented an application on 01-04-1999 before first respondent stating that as notice under Section 9 of the Land Acquisition Act, 1894 (for short, 'the Act') was not served on her, she could not file her objections before passing the award with regard to the existing structures. As first respondent while passing the award has not mentioned the existing structures, such as houses and the well, in the acquired land,
she approached this Court and filed the present writ petition.

3. This Court on 29-04-1999 while issuing *Rule nisi* in W.P.M.P.No.11733 of 1999 directed the Land Acquisition Officer to draw panchanama regarding the structures and the well existing in the acquired land owned by the petitioner. The Land Acquisition Officer is further directed not to take over possession of the suit land before conducting panchanama.

4. A detailed counter affidavit is filed wherein it is stated that in compliance to the orders of this Court in W.P.M.P.No.11733 of 1999,
the matter was enquired into and during the course of enquiry, it is revealed that an extent of Acs.4-02 gts. in Sy.No.132 belong to petitioner was acquired and the above extent is surveyed. Further, it is stated that in the survey it is revealed that the northern side, a well and three dwelling houses exist and these houses have been in existence for the last six years. It is also stated that on the eastern side Ac.0-15 gts. of land is included in the formation road from Kesherejpally to Tanedarpally and thus, the total area of Ac.0-92 gts. is under the occupation of houses agricultural well and formation road.

5. In the light of the said admission that there are dwelling houses,

the authorities particularly the first respondent is directed to assess the value of the said dwelling houses and pay compensation to petitioner. The said exercise shall be completed within a period of six weeks from the date of receipt a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.18-04-2007
GLV